

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-cv-158--RJC--DSC

THIS MATTER comes before the court on Defendant L-3 Communications Vertex Aerospace LLC’s (“Defendant”) Motion to Dismiss Plaintiff Jon Pagh’s North Carolina Wage and Hour Act Claim (“Partial Motion to Dismiss”), (Doc. No. 6). After such motion was filed on April 29, 2011, Plaintiffs Haydn Logan and Jon Pagh filed their Amended Complaint, (Doc. No. 19), on October 4, 2011. It is well-settled that a timely filed amended complaint supersedes the original pleading, and that motions directed at the original pleading are to be denied as moot. See Young v. City of Mount Ranier, 238 F. 3d 567, 573 (4th Cir. 2001) (“[t]he general rule . . . is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect”); Foreman v. Camfil Farr, Inc., No. 3:10-cv-664, 2011 WL 4747921, at *1 (W.D.N.C. October 7, 2011) (“Motions aimed at the superseded pleading are rendered moot.”); Colin v. Marconi Commerce Sys. Employees' Retirement Plan, 335 F. Supp. 2d 590, 614 (M.D.N.C. 2004).

IT IS, THEREFORE, ORDERED that Defendant's Partial Motion to Dismiss, (Doc. No. 6), is **DENIED** without prejudice as moot.

Signed: November 14, 2011



Robert J. Conrad, Jr.
Chief United States District Judge

